	Application No.	Applicant(s)
Advisory Action ***Before the Filing of an Appeal Brief***	*10/654,618*	KIM ET AL.
	Examiner	**Art Unit**	
	STEPHEN G. SHERMAN	2629	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>11 July 2008</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐   The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒   The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: *See Continuation Sheet*. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-62*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Stephen G Sherman/
Examiner, Art Unit 2629

Continuation of 3. NOTE: Claim 1, for example, has been amended to recite "a data setting unit that sets data corresponding to the received input signal, the set data representing how to check the identified input signal", with claims 6, 11 and 25 amended similarly, while claims 47 and 48 were each similarly amended to recite "an input port changing unit for switching from the analog/digital input port to the digital/analog input port to check whether the digital/analog signal is normal when the displaying device determines that the analog/digital input port is not receiving a normal analog/digital input signal, the switching from the analog/digital input port to the digital/analog input port being based on set data corresponding to the analog/digital signal, the set data representing how to check the analog/digital signal", which would require further search and/or consideration.

Continuation of 11. does NOT place the application in condition for allowance because: The examienr would first like to note with respect to the proposed claim amendments to claim 1, for example, that the amended claim language would still not overcome the 112, first paragraph rejection. The proposed amendment suggests changing the claims from "a data setting unit that sets data corresponding to the identifed type of the input signal" to "a data setting unit that sets data corresponding to the received input signal". This stil would not overcome the rejection because in the applicant's specification, the data setting unit sets the data based upon a user input made with respect to the input ports and the data setting unit does not set data corresponding to the received input signal. The examiner suggests as a possible amendment, to claim that the data setting unit sets data corresponding to "a user input regarding the input signal" to overcome the rejection.
Regarding the applicant's argument against the rejeciton of claim 40, which is found on page 14 of the response, the arguments are not persuasive. The applicant specifically argues that the combination of Shaw and Sugihara does not teach that an inport port has a priority in the order of chaecking to another input port because Sugihara discloses terminals to be skipped are not checked and therefore Sugihara thus a user does not set for one input port to have a priority over another. The examiner agrees that Sugihara does not teach specifically that the user is setting for one port to have a priority over another, however, the claim language only says that one port has a priority over another port in the order of checking, and if two ports are to be checked, for example, then inherently one port will be checked first meaning that it has a "priority" in the order of checking. If the applicant wants the claims to have the meaning that one port is set to have a priority over another port then the limitations should be added to the claims. The examiner suggests such language as "wherein at least one of the input ports can be set to have a priority in an order of checking be the signal checking unit as compared to antoher input port". Further, with respect to the applicant's argument that the combination would not be able to function for it intended purpose, the examienr disagrees. While Sugihara teaches of setting skipped ports, it doesn't mean that ports that are not to be skipped will not have an "abnormal" signal, as apparently suggested by the applicant. Thus in combination even if ports are skipped, it just means that after one port is checked then two will be skipped then the next port checked, etc. It doesn't mean that operation will render Shaw unable to function in the amnner of its intended purpose.